

UNITED STATES DISTRICT COURT

for the

District of

Division

Case No.

RECEIVED  
JUN 28 2019  
U.S. District Court  
Middle District of TN

(to be filled in by the Clerk's Office)

JONATHAN MICHAEL ATHA #480588

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Russell Washburn et.al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

See attachment marked I.A

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

JONATHAN MICHAEL ATHA

All other names by which  
you have been known:

ID Number

#480588

Current Institution

TTCC

Address

140 Macon Way

Hartsville

City

TN

State

37074

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Russell Washburn

Job or Title (*if known*)

Warden, TTCC

Shield Number

Employer

Core Civic

Address

140 Macon Way

Hartsville

City

TN

State

37074

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

Patrick Swindell

Job or Title (*if known*)

unknown / Core Civic employ + Supervisor

Shield Number

unknown

Employer

Core Civic

Address

140 Macon Way

~~XXXXXXXXXX~~ Hartsville

City

TN

State

37074

Zip Code



Individual capacity



Official capacity

Defendant No. 3

Name

Damon Hiniger

Job or Title (if known)

Unknown / Supervisor / CEO

Shield Number

Unknown

Employer

Core Civic

Address

140 Macon Way

Hartsville

TN

37074

☒ Individual capacity

☒ Official capacity

Defendant No. 4

Name

SCO Roach

Job or Title (if known)

Senior Officer, Core Civic

Shield Number

Core Civic

Employer

Core Civic

Address

TTCC 140 Macon Way

Hartsville

TN

37074

☒ Individual capacity

☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

- ① Freedom to practice religion, ② Freedom to be free from retaliation  
 ③ Freedom to be free from assault, harm, or possibly death.  
 ④ Cruel & Unusual Punishment, ⑤ Eighth Amendment & 14<sup>th</sup> Amendment, & 1<sup>st</sup> Amendment  
 ⑥ Denial of access to the courts, ⑦ Procedural due process violation

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See attached marked (II.D)

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

See attached marked (IV.B)

C. What date and approximate time did the events giving rise to your claim(s) occur?

See attached marked (I.V.C) / If needed "Re-visit attachment (IV.B)"

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I have been beaten, kidnapped, & tortured. All of this has happened by <sup>Inmates</sup> Staff and at their orders in retaliation for asserting my religious rights, and filing Grievances & I.C.S

Witnesses: David Way #00009180, Adam Billbrey #, Inmate Frieberger #, Lee Wheatley, Nicolas Matos #, Officer Kemp / If needed "Re-visit attachment IV.B"

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Broken Jaw, Tooth knocked out, Hands Stomped & fingers possibly broken, Mal-nutrition, Lost substantial weight, Post Traumatic Stress, Stark fear for safety. No Medical treatment was given, No Diet substitution, or Altranete kosher meals are provided. Medical Treatment was Refused on several occasions.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

① Make Core Civic follow the RLU IPA, ② Make Core Civic Fire all parties involved, ③ Charge all parties with Conspiracy to Commit Homicide, Esp Agg Assault, & Kidnapping, ④ Charge all parties with Failure to Protect, ⑤ Charge all parties with abuse of authority, and obstruction for tampering w/evidence, ⑥ Make core civic repay me for Stole Property & Injuries valuing \$1,700,000.00. (Basis) Any single person listed in this suit could have removed me from harms way, but they did not. They have been treating me with deliberate indifference.

## VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes  
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Trousdale Turner Correctional Facility, and  
South Central Correctional Facility, both are CoreCivic  
Facilitys

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes  
☐ No  
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes  
☐ No  
☐ Do not know

If yes, which claim(s)?

All of them, I believe.

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

N/A

- E. If you did file a grievance:

1. Where did you file the grievance?

With Grievance Committee, thru In House Mail

2. What did you claim in your grievance?

(Violation of RLUIPA & Inmate Rights) Retaliation, Failure to Protect, Cruel & Unusual Punishment, Refusing me access to the courts & due process

3. What was the result, if any?

More Retaliation and, almost death.  
Several write ups & False accusations by Staff

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I exhausted all appeals to the highest level and most were deemed inappropriate and Not Grievable (See Exhibits)



F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

★ Copies of Grievances: See Attached exhibits 1-9 as marked

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

#### VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

---



- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition

N/A

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6-19-19

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Jonathan Atha  
JONATHAN ATHA  
480588  
140 Macon Way  
Hartsville TN 37074  
*City State Zip Code*

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

*City*

*State*

*Zip Code*

Telephone Number

E-mail Address

"The Parties to this complaint"

Attachments  
p. 1 of 7

(I.A)  
Defendants: Continued

5) SCO Custer

☒ Individual ☒ official capacity

6) SCO Lopez

☒ Individual ☒ official capacity

7) LT. Ruiz

☒ Individual ☒ official capacity

8) LT. Holmes

☒ Individual ☒ official capacity

9) Capt. Garland

☒ Individual ☒ official capacity

10) Chris Brun, (TDoc Liason)

☒ Individual ☒ official capacity

11) % Carter

☒ Individual ☒ official capacity

12) Cherry Lindamood (Warden at SCCF)

☒ Individual ☒ official capacity

13) 5 unknown officers

☒ Individual ☒ official capacity

All parties  
addresses

140 Macon Way  
Hartsville, TN  
37074

(II D Continued) Basis for Jurisdiction

All parties listed work for T.DOC (Tennessee Dept. of Corrections), or Core Civic which, is contracted through T.DOC, which is where im housed at.

(I V. C) continued (Statement of Claim)

" 7-12-18 thru 6-21-19 "

"STATEMENT OF CLAIM"IV. B

On 12-8-2016 at Bledsoe Correctional Complex I was officially certified and approved for a Religious Diet "House of YAHWEH" or "Kosher". This diet is provided by T.DOC per policy.

I was eventually sent to South Central Correctional Facility, a contracted prison ran by Core Civic, where Damon Himiger, and Patrick Swindell recieved notification of my arrival at, there Headquarters in Nashville, Tennessee. Since July of 2018 I have made several failed attempts at trying to contact Damon Himiger, Patrick Swindell, & company at said Headquarters, and sent them several copies of the RLUIPA, on more than one occasion. I have also sent copies of my Religious Diet approval asking, pleading, and praying for some type of Relief or Compromise.

I have been met with nothing less than Hostility & Retaliation from Core Civic Staff. In July 2018 I was sent to Trousdale Turner Correctional Center after telling Warden Cherry Lindamood I was in the process of suing her at SCCF, where upon being transfered tons of my legal work was destroyed by Core Civic Staff. The specific legal work was Grievances I had filed and copies of letters and evidence I was using to bring forth said lawsuit



I.V.B.) CONTINUED

Upon my arrival at T.T.C.C. I immediately started trying to make staff and kitchen staff aware of the RLUIPA, once again I was declared a trouble making inmate and treated with severe hostility & retaliation by Warden Washburn and Company.

On or around 12-7-2018 I asked staff to put me on Protective Custody because I was being ~~assaulted~~ assaulted and extorted by two separate Gang affiliations. Sco Custer laughed in my face and told me to pay them, I was assaulted 3 more times after my first attempt to gain protective custody.

~~On 2-21-19 I was assaulted by a close custody inmate Freiberger #334581, this~~

On 1-29-19, 2019, I was moved and housed in E.A. Unit A Pod, where inmates assaulted me and threatened to stab me if I didn't go to PC. I informed my pod officer that my life was in danger and he in turn told the inmates I was snitching on them, I then told LT Ruiz, LT Holmes, and another officer I needed PC and they left me in the cell and left the unit.

I finally had to say I was suicidal to get moved outta the unit, and I was put into Segregation. I ~~was~~ was never put on Suicide watch, and wrote up for Defiance, I



IV. B )  
(CONTINUED)

was denied Food from 2-1-2019 to 2-4-2019, for 3 days in AA 229 and my Water was turned off for 8 days, During this time period all my property was removed and I did not have a mat or blanket, being housed in a cell that was kept at a temperature of less than 60°, with the light kept on 24 hrs a day. All of this can be verified by watching the camera footage of Cell "Alpha-Alpha 229," on these dates

I filed several 51-C "Incident Reports" and was denied grievances during this time period, Yet Inmate Frieberger #334581 witnessed it. CO<sup>S</sup> / Montaine, Carter, Roushe, Williams, and Kemp Neverette and Lopez all witnessed this and did nothing to help. I asked repeatedly to contact my Lawyer and, for Pen and paper, all was refused.

On 2-21-19 I was assaulted by a close custody inmate at the directive of a Senior officer Roach. I was restrained in Handcuffs at the time and inmate Frieberger #334581 was not. Staff CO Carter and, CO Roush watched the assault and did not help me, under orders by there superior officer not to. I was then denied medical treatment. Inmate Frieberger told me that Sgt Roach told him to assault me, "visit Exhibits" (#4)

On 4-25-19 or abouts, Sgt. Lopez came to AA 229 and ransacked my cell, stealing personal property to wit Hygiene/Commissary/Stamps valued at 150.00

IV.B  
(CONTINUED)

irreplaceable legal work, tennis shoes \$50<sup>00</sup>. The legal work stolen was paperwork that I was using as evidence in my lawsuit, and my appeal for TN state conviction, I filed a 51C, Grievance, <sup>Loss</sup> + <sup>Prison</sup>

On 4-25-19 or abouts, Senior Lopez told my Celly Adam Billbrey<sup>#</sup> to assault me for special favors + personal property to be returned to Him.

Both of the assaults stated here took place after several attempts at myself trying to get Protective custody. On 4-25-19 I was on PCI and my celly Adam Billbrey was not. I was took off PCI on 5-21-19 I was took off PCI and moved back to General Population on 5-23-19. On 5-25-19 in Charlie Unit, Charlie Pod inmates were told by un-named counselor I had just been let off PC, and I was trying to go back to PC, the counselor then got on the Tomis Website and gave inmates my familys phone numbers. I was then diverted into a cell and beaten then held at Knifepoint and, tortured while I refused to call my family. After a long while I was released by the Inmates who tied me up.

I then locked myself in my cell and continually pressed my button asking for Help + PC, unknown officer eventually quit answering my call button, I remained in this cell over 2 days without eating + my water was cut off for the last 24 hrs, by LT Ruiz. (visit exhibits) (#7)

On 5-26-19, Sco Beach came into my Unit in Charlie, Charlie 221 and told me at

IV B  
(CONTINUED)

my door to "come out and take my medicine"  
He then told inmates everything I told Staff  
in my PCI hearing on 4-21-19, which was supposed  
to be confidential. Further endangering my life  
and labeling me a snitch, or narc.

On 5-27-19 Sgt Custer came into  
Charlie Unit & stood in the middle of the  
Pod telling inmates I was a child molester  
"Which I am not" Nor have I ever been  
charged with. He also told several inmates  
they should beat me up and, Rape me, He then  
tried to open my door for the inmates C.C 221  
On Camera, This is after gang members had been  
trying for hours (ON CAMERA) to pry my door  
open with Medal Butcher Knives, Threw Bleach,  
Amonia, and Feces under my door, and threatend  
to Kill me.

I was extracted from my cell on 5-27-19  
around 11:30AM after 2 dayz of Not eating. I was  
then placed in Seg where I was told to heal  
up for 7 days without a Write up, and I was  
never put on any type of Investigation, after  
7 days I was asked to move back to  
General Pop. I refused and was wrote up, by  
Sgt Lopez. Inmate Matos, Nicholas witnessed my  
condition upon arriving in AA101, and witnessed me asking  
for PC several times. All of this treatment is  
Retaliation from Core Civic Staff for asserting my  
Inmate rights and filing Grievances.